

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FILED

FEB 12 2020

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID BUTTS,

Defendant.

INDICTMENT

CASE NO.

1 : 20 CR 116

Title 21, United States Code,  
Sections 841(a)(1) and (b)(1)(B);  
Title 18, United States Code,  
Sections 922(g), 924(a)(2), and  
924(c)(1)(B)(ii)

GENERAL ALLEGATIONS

JUDGE GWIN

1. Before Defendant DAVID BUTTS committed the offenses charged in this Indictment, BUTTS had a final conviction for the following felonies for which he served more than 12 months of imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of each of the instant offenses charged in this Indictment:

- a. Robbery, Ohio Revised Code § 2911.01, Felony of the Second Degree, in the Cuyahoga County Court of Common Pleas, CR-02-428814-ZA, on or about June 6, 2003;
- b. Robbery, Ohio Revised Code § 2911.01, Felony of the Second Degree, in the Cuyahoga County Court of Common Pleas, CR-06-488611-A, on or about May 25, 2007;
- c. Trafficking Offenses with Firearm Specification, Ohio Revised Code § 2925.03A, Felony of the Third Degree, in the Cuyahoga County Court of Common Pleas, CR-10-539750-B, on or about November 30, 2010.

COUNT 1

(Possession with Intent to Distribute and Manufacture Controlled Substances,  
21 U.S.C. §§ 841(a)(1) and (b)(1)(B))

The Grand Jury charges:

2. On or about October 29, 2019, in the Northern District of Ohio, Eastern Division, Defendant DAVID BUTTS did knowingly and intentionally possess with the intent to distribute a mixture and substance containing a detectable amount of carfentanil, a Schedule I controlled substance; a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance; and a mixture and substance containing a detectable amount of morphine, a Schedule II controlled substance, with a converted drug weight equivalent of at least 700 kilograms of marijuana and less than 1,000 kilograms of marijuana, all in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT 2

(Felon in Possession of Firearm and Ammunition,  
18 U.S.C. §§ 922(g)(1) and 924(a)(2))

The Grand Jury further charges:

3. On or about October 29, 2019, in the Northern District of Ohio, Eastern Division, Defendant DAVID BUTTS, having been previously convicted of crimes punishable by imprisonment for a term exceeding one year, those being: Robbery, Ohio Revised Code § 2911.01, Felony of the Second Degree, in the Cuyahoga County Court of Common Pleas, CR-02-428814-ZA, on or about June 6, 2003; Robbery, Ohio Revised Code § 2911.01, Felony of the Second Degree, in the Cuyahoga County Court of Common Pleas, CR-06-488611-A, on or about May 25, 2007; Trafficking Offenses with Firearm Specification, Ohio Revised Code § 2925.03A, Felony of the Third Degree, in the Cuyahoga County Court of Common Pleas, CR-10-539750-B, on or about November 30, 2010; did knowingly possess in, and affecting interstate and foreign

commerce firearms and ammunition, to wit: a Springfield Armory XPS 9 millimeter handgun serial number 5390533 with 7 live rounds of ammunition and an American Tactical 78380 .223 caliber rifle serial number NS171570 with 28 live rounds of ammunition; said firearms and ammunition having been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2)).

COUNT 3

(Possession of a Firearm in Furtherance of a Drug Trafficking Crime,  
18 U.S.C. § 924(c)(1)(B)(ii))

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The Grand Jury further charges:

4. On or about October 29, 2019, in the Northern District of Ohio, Eastern Division, Defendant DAVID BUTTS possessed firearms, to wit: a Springfield Armory XPS 9 millimeter handgun serial number 5390533 with 7 live rounds of ammunition and an American Tactical 78380 .223 caliber rifle serial number NS171570 with 28 live rounds of ammunition; in furtherance of a drug trafficking crime, to wit: Possession with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(B), as charged in Count 1 of this indictment, in violation of Title 18, United States Code, Section 924(c)(1)(B)(ii).

FORFEITURE

The Grand Jury further charges:

5. For the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853; Title 18, United States Code, Section 924(d)(1); and Title 28, United States Code Section 2461(c), the allegations of Counts 1 through 3 are incorporated herein by reference. As a result of the foregoing offenses, Defendant DAVID BUTTS, shall forfeit to the United States any and all property constituting or derived from any proceeds he obtained directly or indirectly as a

result of such violations; any and all of his property used or intended to be used in any manner or part to commit or to facilitate the commission of such violations; and, any and all firearms and ammunition involved in or used in the commission of such violations; including, but not limited to, the following:

- a. A Springfield Armory XPS 9 millimeter handgun serial number 5390533, with 7 live rounds of ammunition; and,
  - b. An American Tactical 78380 .223 caliber rifle serial number NS171570, with 28 live rounds of ammunition.
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A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.